

In Re Weiss, 26 USPQ 2d 1885 (Fed. Cir. 1993 at 1888), states that:

"the mere fact that a certain thing may result from a given set of circumstances is not sufficient (to establish inherency) . . ." (which requires that) the disclosure is sufficient to show that the natural result flowing from the operation as taught would result in the performance of the questioned function . . .

The Examiner is misapplying the Stevens reference since the natural result flowing from the operation as taught in Stevens, brushing one's teeth, would not result in gripping a bowling ball where the projections define a curve which has a curvature substantially like a curvature of the bowling ball when force is exerted by the bowler of the ball. The Stevens reference would fail to anticipate or suggest Applicants' invention. This is further evidenced by the fact that the Stevens reference only has pictures and no written disclosure. Thus, it is only conjecture to what Stevens actually teaches.

The Court of Appeals for the Federal Circuit has recently stated that "rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. (cite omitted). Further, the reference must describe the Applicants' claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. (cite omitted). In Re Spada, 15 USPQ2d 1655 (Fed. Cir. 1990) at 1657.

The Stevens reference clearly fails to disclose the claimed bowling ball accessory. Further, Stevens clearly fails to meet the second step. Stevenson fails to disclose the projections defining a curve substantially like the curvature of the bowling ball when force is applied by the bowler. Further, Stevens fails to show the projection flattening to provide a larger surface to grip the ball.

The second part of anticipation is that the reference described the applicant's invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. Clearly, in this case, it has not. This is evidenced by the fact that Stevens only discloses pictures of a finger toothbrush. Nowhere is there any disclosure that remotely suggests the claimed bowling ball accessory. Accordingly, one skilled in the art of bowling ball accessories would not be placed in possession of Applicant's invention by the teaching of the finger toothbrush of Stevens. Thus, the Stevens reference is an improper 102 reference. Accordingly, Applicants believe the claims to be patentably distinguishable over the art cited by the Examiner.

In light of the above amendments and remarks, Applicant would submit that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to pass the case to issue at his earliest possible convenience.

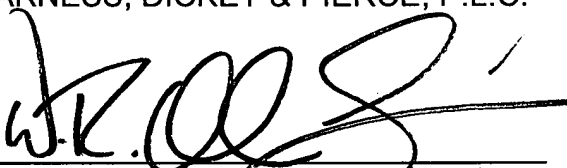
Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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